

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 99-196

August 24, 1999

CENTRAL MAINE POWER COMPANY,
Petition For Finding of Public Convenience
And Necessity for Kennebunk Light and
Power District to Provide Service to
Customer in Central Maine Power
Company's Service Territory

ORDER APPROVING SERVICE
TERRITORY CHANGES
PURSUANT TO 35-A M.R.S.A.
§ 2105

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

On March 24, 1999, Central Maine Power Company (CMP) and Kennebunk Light & Power District (KL&PD) requested approval of the temporary relocation of the service territory and exchange boundary between the two utilities. The purpose of the agreement is to provide service to a single customer, Peter Pierce. Mr. Pierce has agreed to the provision of service by KL&PD and to the conditions under which it would revert to CMP. Attached to the request is a consent from Mr. Pierce, the customer who will be served under the agreement between CMP, KL&PD and the customer. Mr. Pierce's residence is presently within CMP's service territory. Both utilities have agreed that KL&PD may serve Mr. Pierce at least until March 25, 2004. After that date, upon 30 days notice, CMP may revoke the consent and the service territory will revert to CMP.

The request was accompanied by a map indicating that the customer is closer to existing KL&PD facilities than to existing CMP facilities. KL&PD's estimated construction cost to build the necessary facilities is substantially less than CMP's.

KL&PD requires our approval under 35-A M.R.S.A. §§ 2102 and 2105 to serve the area in Lyman that is necessary for it to serve Mr. Pierce.¹

CMP has consented to the provision of service by KL&PD in Lyman. Because CMP and the Mr. Pierce have consented, it is not necessary to hold a hearing in this case. 35-A M.R.S.A. § 2105.

¹KL&PD's has charter (private and special law) authority to provide service in "so much of the town . . . of . . . Lyman" as it was serving in 1951. P. &S.L. 1951, ch. 53, § 3. Under both the 1951 charter and our decision in *Public Utilities Commission, Investigation of Authority of Madison Electric Works Pursuant to Section 1303 to Provide Service to Certain Portions of the Towns of Madison, Anson, Starks and Norridgewock with Approval Pursuant to Sections 2101 and 2105*, Docket No. 94-379, Order (August 4, 1995), *aff'd Town of Madison v. Public Utilities Commission*, 682 A.2d 231 (1996), KL&PD needs our approval under 35-A M.R.S.A. §§ 2102 and 2105 to provide service in portions of Lyman it was not serving in 1951 and 1967, respectively.

Our approval here is similar to approvals we have made recently in *Central Maine Power Company and Kennebunk Light & Power District, Request for Approval of KLPD to Provide Electric Service to Brent Geishecker in Lyman*, Docket No. 96-086 (April 23, 1996) (*CMP/KL&PD Geishecker Order*); *Central Maine Power Company and Kennebunk Light & Power District, Request for Approval of Kennebunk Light & Power District to Provide Service the Dwelling of Roberto and Dianne Diaz in Lyman*, Docket No. 96-103, (June 26, 1996); and *Central Maine Power Company, the Swards & Kennebunk Light and Power District, Joint Request for Approval for KL&PD to Provide Service to the Swards in CMP Service Territory*, Docket No. 97-882 (December 22, 1997).

As in the prior cases, the two utilities and the customer have agreed that after 5 years CMP may reacquire the service territory granted to KL&PD by this Order, provided that it gives at least 30 days' notice to Mr. Pierce and to KL&PD and that it does not impose any line extension charges on the affected customers if at that time it would be necessary for CMP to construct a line extension. See *CMP/KL&PD/Geishecker*, Order on Motion to Reconsider (May 29, 1996). We approve those conditions in this Order.

Accordingly, we

O R D E R

1. That the public convenience and necessity requires additional service by Kennebunk Light & Power District in the Town of Lyman. Kennebunk Light & Power District is hereby granted additional authority in the Town of Lyman pursuant to 35-A M.R.S.A. §§ 2102 and 2105, subject to the agreement between Kennebunk Light & Power District, Central Maine Power Company, and Peter Pierce, filed with the Commission on March 24, 1999 and attached hereto (hereinafter "the Agreement"). Kennebunk Light & Power District shall provide service in that portion of the Town of Lyman that is sufficient to serve the residence of Peter Pierce, located on the southwesterly side of Old Kennebec Road and shown as a driveway labeled with "New Customer" on the attached map, to serve Peter Pierce;

2. That Central Maine Power Company's present authorized service territory in the Town of Lyman is restricted to the extent that Kennebunk Light & Power District's service territory has been expanded by Ordering Paragraph No. 1;

3. That the transfer of service territory ordered herein is subject to the condition, set forth in the Agreement, that after March 25, 2004, upon notice of at least 30 days given by Central Maine Power Company, the service territory granted herein to Kennebunk Light & Power District shall revert to Central Maine Power Company, provided that CMP will not impose line extension charges on Mr. Pierce or his successors in interest. The notice shall reference the docket number of this case and shall be served upon Kennebunk

Light & Power District and any affected customers. A copy of the notice shall be filed with the Commission; and

4. That the above changes will be effective upon the date of this Order.

Dated at Augusta, Maine this 24th day of August, 1999.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch

Nugent
Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.